



Pretrial Release

An Indiana Supreme Court Pilot Project

Save the Date

Mark your calendar for an Indiana Pretrial Summit:

October 4, 2019

Indiana Convention Center

This will be a team-based training on pretrial best practices for judicial officers, prosecutors, defense counsel, law enforcement, probation officers, community corrections officers, and mental health services providers. Registration information will be available in late spring.

January 1, 2020

Criminal Rule 26 is fully effective at the start of next year. The rule provides that courts should utilize the results of an evidence-based risk assessment and other relevant information to determine whether an arrestee presents a substantial risk of flight, danger to themselves, or danger to the public.

The rule is one avenue to reduce pretrial detention rates for low risk arrestees while protecting public safety. Best practices are being implemented through existing pretrial pilot activities, including:



Indiana Risk Assessment System—Pretrial Assessment Tool (IRAS-PAT) results are used to guide pretrial release and supervision decisions



Defense counsel and a deputy prosecutor are available at initial hearings so the court can effectively review release decisions and conditions for persons in custody prior to initial hearing



Locally established procedures for determining pretrial release conditions and responses to pretrial violations



Text or telephone notification systems that remind defendants of court dates in advance



Data collection to evaluate pretrial outcomes to determine pretrial court appearance rates and safety rates (the percentage of pretrial defendants not rearrested during the pretrial period)

Pilot Counties

1. Allen
2. Bartholomew
3. Grant
4. Hamilton
5. Hendricks
6. Jefferson
7. Monroe
8. Porter
9. St. Joseph
10. Starke
11. Tipton

Several additional counties are working to implement legal and evidence-based pretrial practices.

11 counties participating in pretrial release pilot project

42 counties in some stage of planning

Highlights FROM Monroe County

Since implementing their pretrial pilot project, Monroe County Assistant Chief Probation Officer Troy Hatfield and Pretrial Director Becca Streit have worked diligently to collect data documenting pretrial outcomes.

In Monroe County, all arrestees are assessed using the IRAS-PAT. In addition to the IRAS-PAT, pretrial officers obtain collateral

“Our process has gained acceptance and confidence and has become everyday practice.”

—Judge Mary Ellen Diekhoff

information from sources such as Odyssey, Doxpop, probation and pretrial case files, the National Crime Information Center, and other verified sources, such as employers.

Pretrial officers use this information, along with information on the instant arrest, to complete a pretrial release report that is provided to the court, prosecutor, and

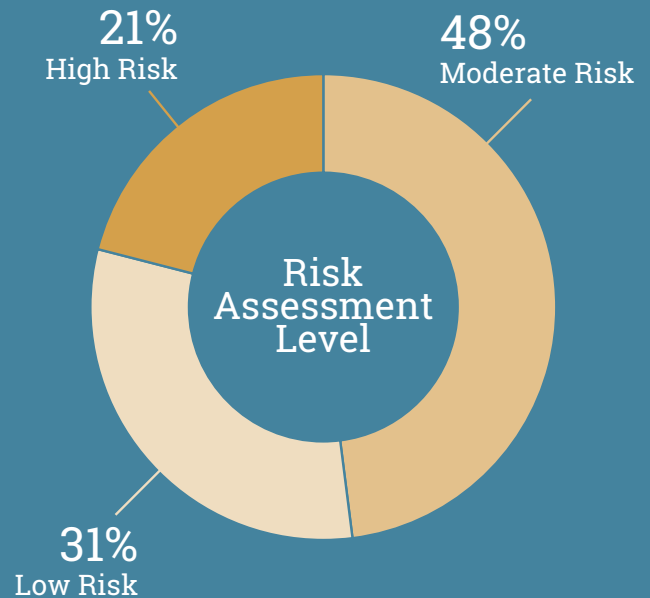
Pretrial Assessment Tool

Data collected from assessments conducted statewide between January 1, 2017, and March 31, 2019, provides a snapshot of Indiana's arrestee population.

Of the 48,846 adult arrestees assessed using the IRAS-PAT:

- 21% (10,208) of arrestees posed a high risk for failure to appear or rearrest during the pretrial period
- 48% (23,262) of the assessed arrestees posed a moderate risk
- 31% (15,376) posed a low risk

The assessment data also shows that 74% (35,900) of the arrestees are male.



Data compiled: 03/31/2019

defense attorney. All parties, including a pretrial probation officer, attend initial hearings, which are held daily at 1:30 PM. All defendants released pretrial receive reminders of court hearings 24-48 hours in advance of the hearing.

Defendants may also be ordered to one of three pretrial monitoring levels that include face-to-face meetings with a pretrial probation officer and periodic records checks. The court may also order other conditions on a case-by-case basis, such as chemical testing or day reporting.

Monroe County Validation Study

In November 2018, Indiana University–Purdue University Indianapolis School of Public and Environmental Affairs completed Monroe County's initial IRAS-PAT validation. The study included 562 pretrial defendants who were arrested and whose case went to disposition between October 1, 2016 and September 30, 2017.

The research shows the IRAS-PAT accurately predicts the likelihood of pretrial misconduct (Failure to Appear (FTA)/any arrest), meaning the higher the individual's

risk score the more likely the person will not appear or will have an arrest during pretrial supervision.

Judge Mary Ellen Diekhoff, chair of Monroe County's policy team, is pleased with the county's progress. "After working through a few minor issues starting out, our process has gained acceptance and confidence and has become everyday practice. Our pretrial officers work diligently every day to provide the court with risk assessment information to make more informed decisions regarding bail."



Indiana Office of Court Services

251 N. Illinois St. Ste. 800
Indianapolis, IN 46204

(317) 232-1313

courts.in.gov/iocs

Reach Out

IOCS is available to provide information, resources, and technical assistance to Indiana courts interested in getting started.

Contact Mary Kay Hudson,
Executive Director, at
mk.hudson@courts.in.gov for
more information or to schedule
a site visit to your county.

Criminal Rule 26

This rule was codified in Ind. Code 35-31.5-2-121.5 et. seq. and is effective for all Indiana courts January 1, 2020.

Criminal Rule 26(B) states, "In determining whether an arrestee presents a substantial risk of flight or danger to self or other persons or to the public, the court should utilize the results of an evidence-based risk assessment approved by the Indiana Office of Court Services, and such other information as the court finds relevant. The court is not required to administer an assessment prior to releasing an arrestee if administering the assessment would delay the arrestee's release."

Best practices are being developed now through existing pretrial pilot activities. IOCS will facilitate and incentivize adoption of evidence-based pretrial practices through January 1, 2020, and beyond.

The Supreme Court, IOCS, and the Pretrial Work Group are meeting this objective in numerous ways:

- Providing training and technical assistance for current and future pretrial counties
- Deploying Odyssey's Supervised Release System (SRS) and its pretrial supervision module to counties upon request and as resources permit
- Paying for text message court date reminders through Odyssey
- Working with researchers to study the impact of monitoring and supervision on pretrial success rates
- Developing a pretrial services certification program

Pretrial Work Group

A Pretrial Work Group meets regularly to discuss and advance the project. **Membership in the Pretrial Work Group includes stakeholders from all three branches of government and other criminal justice stakeholders.**

The Work Group developed the **Indiana Pretrial Practices Manual** as a resource for counties, providing an overview of the legal framework for bail in Indiana and evidence-based pretrial practices, sample forms, and a description of the pretrial pilot site activities. courts.in.gov/iocs/3721.htm